

Mail Stop Interference
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Paper 1
Filed 9 August 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

YI LI
and STEVEN M. RUBEN,

Patent 6,025,154,
Junior Party

v.

CHRISTOPHE COMBADIÈRE
and PHILIP M. MURPHY,

Application 10/846,185,
Senior Party

Patent Interference No. 105,828 (SGL)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **27 September 2011 at 2:00 p.m.** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Inventors: YI LI, GAITHERSBURG, MD;
STEVEN M. RUBEN, OLNEY, MD;

Patent: 6,025,154 issued 15 February 2000 from application
08/466,343 filed 6 June 1995

Title: POLYNUCLEOTIDES ENCODING HUMAN G-PROTEIN
CHEMOKINE RECEPTOR HDG NR 10

Real party in interest: Human Genome Sciences, Inc.

Senior Party

Inventors: CHRISTOPHE COMBADIÈRE, PARIS, FRANCE;
PHILIP M. MURPHY, ROCKVILLE, MD;

Application: 10/846,185 filed 14 May 2004

Title: CC CHEMOKINE RECEPTOR 5 DNA, NEW ANIMAL
MODELS AND THERAPEUTIC AGENTS FOR HIV
INFECTION

Real party in interest: Department of Health and Human Service of the
United States of America

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Combadiere (10/846,185) or claim 1 of Li (6,025,154).

The claims of the parties are:

Li: 1-19

Combadiere: 1-20

The claims of the parties which correspond to Count 1 are:

Li: 1-19

Combadiere: 1-20

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Li: None

Combadiere: None

The parties are accorded the following benefit for Count 1:

Li: None

Combadiere: US 08/864,458 filed 28 May 1997

US 60/018,508 filed 28 May 1996

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO & 106.1.1:

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(Technology Center 1600)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Li:

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INTELLECTUAL PROPERTY DEPT.
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Attorney for Combadiere:

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